

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE WELLBUTRIN SR/ZYBAN ANTITRUST LITIGATION)	
)	Master File No. 02-CV-4398
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THIS DOCUMENT RELATES TO:)	
ALL ACTIONS)	
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CASE MANAGEMENT ORDER NO. 3

AND NOW, this 6th day of November, 2002, after an initial conference regarding the above-captioned consolidated action, **IT IS HEREBY ORDERED:**

1. Status Conference. Counsel for all parties shall appear for a status conference on **February 5, 2003, at 11 a.m.**, in Courtroom 3-B, United States Courthouse, 601 Market Street, Philadelphia, PA 19106.

2. Deadlines for Rule 12 Motion, Response, and Reply. Defendants stated their intention to respond to Plaintiffs' Consolidated Class Complaint by filing a motion pursuant to Fed. R. Civ. P. 12. Such motion shall be filed by **December 2, 2002**. Plaintiffs' response shall be filed by **January 17, 2003**. Defendants shall submit any reply by **February 3, 2003**.

3. Interim Conference of Counsel. Counsel shall confer as soon as possible regarding the possibility of settlement and the parties' desire for, and the timing of, a settlement conference. Counsel shall also seek consensus with respect to the following:

- a) The plan for the initial phase of discovery, which shall be limited to the issue of the merits of the patent infringement lawsuits brought by Defendants.
- b) The schedule for discovery regarding class certification.

c) The schedule for filing further dispositive motions and responses thereto.

4. Preliminary Statements; Stipulations. On or before **November 22, 2002**, Counsel

shall submit:

a) Preliminary statements of fact as directed in Order No. 2.

b) Any stipulations regarding the items discussed during the interim conference of
Counsel.

5. Later Filed Cases. This Order shall also apply to related cases later filed in, removed to, or
transferred to this Court.

BY THE COURT:

BRUCE W. KAUFFMAN, J.